

PREPARED REMARKS OF COMMISSIONER MIGNON L. CLYBURN
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Thank you very much Joe, for that kind introduction. And thank you to all of the folks at Free Press for inviting me to today's event. Free Press has contributed a great deal to the communications world since its inception, and I am thankful that your efforts and commitment have not wavered to this day.

It is also wonderful to see so many faces that I *do not* know here today. I hope to get acquainted with each you over the coming weeks and months as there are so many lively communications issues in play that have a direct impact on our daily lives.

One of those important issues is the Commission's "Future of Media" project, which is directly relevant to the general discussion at the heart of this summit. It is critical that we take stock of the many changes in the news and information marketplace in order to execute our jobs properly. Without a handle on the current state of the media business, and a sense of where it might migrate in the near future, it will be impossible for us to address thoughtfully proposals for media concentration as well as others issues that affect the dissemination of local news and information.

Before I talk a bit more about the substance of today's summit, I thought that given your focus today on the turning ideas into action, it might be useful for me to focus more on the process of affecting meaningful change in today's environment. Unfortunately, bringing your ideas to life is not as simple as providing the most cogent argument or out-working those with opposing viewpoints. Rather, you must first understand the range of factors that comprise decision-making in Washington – and specifically at the FCC – before crafting your plan of how to make a difference.

In my view, there are at least three important "environmental" factors we must come to terms with before developing any successful campaign for change.

The first factor is that the federal government often has a tendency to look inward – that is, to and among the usual players – in order to determine its policy direction. Many of us have grown quite comfortable in D.C. We have our experts and surveys and studies that support our work. But what we tend not to have is regular contact with the people most impacted by our decisions. In my view, this is something that must change.

Perhaps I come to this issue with an unfair bias. I am about as outside-the-beltway of a Commissioner as you will see at the FCC. Until I was sworn in this past August, I had spent my entire life in South Carolina. I had some urban experience. I had some rural experience. I had whatever you might call the "in between" experience. All of which happened outside of D.C.

It is amusing to me that, from time to time, a close friend or colleague will suggest to me that I downplay my significant time outside of Washington. There is no doubt that their hearts are in the right places. In many local circles, my background may serve as a strike against me. I did not arrive at the Commission as a "known" quantity. Some of you here may know what exactly what I am talking about.

I see this fact as a major plus, however. I believe that we are better off having a Commission that includes a mix of those people who know the Washington game well, and those people, like me, who have spent a good deal more time outside of it.

An outside-the-beltway mindset can open up a public official to a different kind of discourse. You tend learn more about what people unconnected to the political work think. How do consumers feel about their cell phone experience? Can consumers afford broadband service in rural and urban America? Do consumers believe they are receiving the local news and information most relevant to their lives?

There is a tendency in Washington to get caught up in all things D.C. and to lose sight of the people throughout the country that we have been placed here to serve. This state of affairs is not an indictment of any individual or the result of any misguided intent. Rather, there has emerged a preference in D.C. for political swordplay – that is, a focus on how to outmaneuver your opponent – over substantive debate and finding the answer that makes the most sense for all parties.

This is why I encourage my colleagues to interact more with consumers beyond the Beltway. It is crucial that we hear from people about what is most important to them and to chat with them about why we make the decisions we do. That two-way communication is essential to good governance.

A great start down this path would be for the Commission to hold public hearings on the proposed Comcast-NBCU merger outside of Washington, D.C. Obviously we do not have the resources to travel the country getting individualized views from every city and town. But we do have the ability to hold one or more hearings in places where consumers will be directly affected – either positively or negatively – by this landmark transaction.

What value will hearings outside the Beltway bring? First and foremost, they will force the Commission to interact and see up-close how Americans feel about the merger. Most of our days are spent poring over electronic and paper filings of briefs and short comments in the comfort of our own offices. It is far different to hear directly from the public. You feel the passion these issues generate. You better understand people's views. And you may even see areas of misunderstanding and how our message may be distorted by the time it reaches people across the country.

The second environmental factor with which you must contend, and one that is directly related to the first, is the outsized influence of lobbyists in Washington. I cannot overstate the incredible advantage well-funded companies and organizations have when it comes to making their voices heard. Lobbying in Washington has become a sophisticated business.

None of this is to say that lobbying, per se, is problematic. Indeed, already during my tenure I have benefitted from the insights of lobbyists who help illuminate some of the granular details of their clients' positions. This can be an invaluable service.

However, the most effective lobbyists can give their clients a huge advantage over the less experienced interested parties. They know how we make decisions, when we make decisions, and they often have access to information that many Commission officials do not yet have. These elements make a difference.

This means that, as individuals and smaller organizations, you have to find creative ways to level the lobbying playing field. One avenue is through partnering with others – banding together on areas of agreement to form a stronger overall unit. It may also mean linking with those in Washington who understand the ebbs and flows of administrative agencies in order to figure out who the right folks are to speak with and when to pursue those individuals. When it comes to the FCC, it is important to understand how the Commission works – our filings, how and when we vote – and how best to assert yourselves.

A third factor that you must grapple with is the battle of the message. In today's sound bite age, some have fared much better than others. Nuance simply is not valued by many and getting the word out can be a challenge. Mastering this element is crucial both to disseminating your own positive arguments and to counteracting any misinformation that has permeated the community.

Nowhere is this challenge more apparent than in the current debate over whether the Commission should “reclassify” the transmission component of broadband service from an “information service” to a “telecommunications service.” The upshot of reclassification is that under the latter classification – “telecommunications service” – the Commission has more regulatory authority than if the transmission component of broadband continues to be considered an “information service.” This issue was resurrected recently in the wake of an important decision by the D.C. Circuit that significantly narrowed the Commission’s authority over broadband under Title I.

An unfortunate reality is that having an open forum with reasonable and honest debate in this sphere appears unlikely. Instead, the lobbying machine for some extremely powerful interests has already been churning out quote-worthy lines at a rapid rate.

If you’ll indulge me, let me offer three quick examples of what we are up against.

First, some individuals are now asserting that the D.C. Circuit actually held that the Commission has no authority whatsoever to regulate broadband. This is patently untrue. The Court said only that – and of course, I am paraphrasing – the Commission has limited, if any, authority under Title I of the Communications Act to enact certain regulations concerning broadband. It said nothing about the Commission’s authority under Title II of the Act. Thus, the decision plainly left open the possibility that the Commission could have the authority under Title II.

Second, others are now asserting that the Chairman is seeking to enact burdensome rules similar to what we had in place during the early-Ma Bell-monopoly era. But that argument could not be further from the truth. In fact, we are merely looking to preserve the authority that almost everyone assumed we had under Title I prior to the Court’s decision. The Chairman has made clear that he intends to concurrently forbear from applying a vast majority of the 48 regulatory provisions of Title II. Does this sound like “old style” regulation to you? Of course not. But that doesn’t stop the messaging machine from rolling forward.

And third, my personal favorite, is the claim that the Commission is trying to “take over” the Internet. At the outset, it must be made absolutely clear that the issue of reclassification goes far beyond our open Internet proceeding. It involves some of the

most important parts of our National Broadband Plan – universal service, privacy, transparency, and cybersecurity. Without reclassification, the road to achieving each of those issues is laden with landmines and likely to fail.

In addition, even with respect to the open Internet proceeding, the Commission is attempting to preserve the open character of the 'net. In fact, we are trying to keep the Internet in your hands and not in the hands of industry gatekeepers. The only threatened “takeover” of the Internet is by industry. If they begin to restrict access, prioritize their own offerings, or make other critical changes to the structure of what has been an incredible economic driver as an open platform, then we all should be concerned.

As you can see, we all have our work cut out for us. Indeed, each of these three environmental factors will play a role in the nearly every debate that emerges in the near future.

It is no different when we consider the future of media, and specifically the role of public media in the coming decades. I believe very strongly in our need to address proactively the future of the way our communities and our nation as a whole receives news and information. A thriving democracy depends on an actively engaged, informed public. And an important feature – if not the single most important – of an informed public is a tenacious and rigorous media corps.

It has become clear, however, that in the digital age, the old business models to support journalism are no longer satisfactory. And today we are still grappling with the new ones. One thing that is clear to me is that some of the developing models for a successful media do not necessarily line up with the notions that drive strong, independent news gathering.

So we have to be able to ask the tough questions. How can we, as a society, provide avenues to useful information? Avenues that are not necessarily profit generators. And this is why the support of public media is critical.

There are those inside and outside the FCC that do not want us to probe this arena and evaluate the state of the media marketplace. They argue that this is beyond our jurisdiction and that we should focus our efforts elsewhere.

This messaging is only beginning to take shape as part of the environment I discussed earlier. It will take your organizational skills, messaging skills, and patience in order to counteract an environment unfriendly to real discourse and public debate. I urge you all to stay committed to this endeavor despite the difficulties you will inevitably encounter.

I will rely on your contributions as I figure out this complex issue. I will remain committed myself to separating the noise from reasoned argument and thoughtful exchanges. And I will stay open to new ideas and to the public that has put me where I am in the first place.

Thank you so much for your time today, and best of luck in the near future.

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